631 The relations between such independent local groups were not markedly affected either
642 by genealogical groupings or by political affiliations. Thus war might be carried on between
721 two uru closely connected by descent from a common parent group, or between parent group and offshoot, or between two unrelated groups both owing allegiance to the same khan.

721 Such local wars, "barantas" (barɪmta), were usually considered as reprisals for damage
628 done by one group to another. They might continue for generations and take on the nature of hereditary feuds.[28] It is difficult at this time to obtain precise data on their cause and origin. According to my informants they usually resulted from thefts of cattle, raids on hay fields, and personal injury or murder committed by members of one group against those
[627] of another. Such episodes in inter-group relations would normally first be referred to a meeting of the bij and aqsaqal of both groups. The meeting was called bitim, literally "peace" or "truce." Here an effort was made to fix responsibility and the amount of damages to be paid in compensation for the injury done. If the immediate parties concerned were not particularly important individuals a decision agreeable to the leaders of both groups would probably be reached amicably and the offending party ordered to pay the proper fine. If, however, the principals to the dispute were both influential men in their respective groups the meeting would probably end in a disagreement because a judge would rarely agree to a decision counter to the interests of a powerful member of his own group, who would probably be his close relative. In case of such a deadlock the man who considered himself the injured party might gather his own followers, and if sufficiently influential his whole uru, and proceed to make a small scale war upon his adversary. Such wars might indeed be major military operations if the importance of the individuals concerned were sufficiently great.

It therefore becomes difficult to distinguish between barantas as cases of personal revenge and as wars involving whole uru which were obliged to support the interests of their leaders. Levshin, however,[29] describes an instance of a baranta of a private nature entered upon by an individual to collect damages to which he was entitled by judgment of the court but which had not been paid. In this case, according to Levshin, the injured party was authorized by the chief of his aul to exercise reprisals, but on his return was obliged to swear that the amount of damage which he had done or booty which he had collected did not exceed the amount of the original claim. Levshin[30] states elsewhere that whereas formerly a baranta was only entered upon after deliberation by the chiefs in cases of culpable refusal to pay judgments, in his time any malcontent who could gather around him a band of followers might attack the herds and dwellings of his enemy.

628 The essential problem connected with the subject of baranta is the extent of solidarity
565 of the uru and its collective responsibility for injuries done to its blood members. Here it is

[28] See Levshin, *Description des hordes*, 302, 349–51, 400, note 1; Dingelstedt, *Le Droit coutumier*, 434.
[29] *Description des hordes*, 400.
[30] *Idem*, 349.

1 1 [see cat. 116, p65 -- Analyst]

placing a brand on a loose animal a fine can be imposed of half the value of the animal. Placing one's brand on an animal with one for safe-keeping, is not considered reprehensible if such a one is returned on the first demand. According to Kyulbaev (of the Kurama uyezd), putting one's brand on a strange animal unnecessarily (bikerge), whether it is a loose animal or one received for safe-keeping, is punishable by a fine of 20 rubles. According to the Kirgiz Daniyar, placing one's brand on a strange animal is considered as clear (zakhir) stealing, and is punished in proportion to the penalties of the assemblies (siez kesimi menen) i. e., for one sheep 4 sheep must be paid and 4 rubles in addition. 685

The owner of the lost object usually appears before the person suspected of the theft accompanied by two or more outside impartial persons (khalis ksi), exceptionally only one, and searches (tentedi) him. The outsiders serve as witnesses. If the suspect does not permit himself to be searched (tentkizbese), he is considered to be guilty. 685 627

When a thief is caught by the owner of the stolen livestock, he usually gives up or promises to give up everything which was stolen by a certain period of time, often according to a voucher, asking only that no suit be charged for the exaction of the usual fine. The owner may be satisfied by the return of his property and by taking away a horse or a coat, i. e., atton (1) from the thief, as a reward

1. Sometimes a horse and gun or some other object is taken under this name.

to the captor.

When there are several thieves, the one who is at hand is held responsible. When only the father of the thief is at hand, a suit directed against him is accepted by the biis for trial, on the basis of responsibility by reason of kinship. 685 672

/167/ If a thief rode a strange horse when committing the crime, the owner of the horse is a participant in the theft.

If the plaintiff confirms the fact that when the defendant was caught the latter gave him money in order to end the affair, and if later the accused clears himself by an oath, the money in question is ruled to the defendant. 685

• • • •

According to the communication of Sultan Daulet Bushaev, a thief from a distant place, whom it would be difficult to find again, 697

Among the Kirgiz, the defendant in such cases justifies himself with the words: "But did I pull the baby out of you?" However he pays for the miscarriage: 30-40 rubles for a fetus of 2 months, 40 rubles if it is 3-4 months old, 40-50 rubles if it is 5-6 months, 100 rubles if it is 7-8 or 9 months old. 681 682

* * * *

It is necessary to distinguish the corporal punishments administered by the elders in the village in private fashion, from the official ones, decreed by the biis, which are an innovation which has arisen to a slight degree in the steppe from the Kokand fortresses. Official corporal punishments are not practised now. In the Auliye-Ata uyezd the present biis do not remember an example, and only two instances can be found of it in the bii's books of the Perovsk uyezd. In one, there is a threat that in case the stealing is repeated it will be punished by the whip (durra). In the other, a fine is imposed on an inveterate thief, and in case he is insolvent - 25 strokes of the whip. In the opinion of Mikebai, this last judgment comprises an error: one of these punishments should have been determined categorically: either a fine, or blows with the whip. 681 627

Private corporal punishment does not excuse the culprit from paying a fine, but the official one does. According to Aleksandrov, /245/ a fine is substituted for corporal punishments only when the plaintiff expresses his consent.

In private corporal punishment, the number of blows of the whip (kamshi) or the stick (chibyk) are never counted, and the guilty person is beaten until he repents. But if he dies from the blows, wergeld is required for him. The biis do not accept complaints for private punishment for wrongs, for example, for adultery.

No one is exempt from corporal punishment if he is caught stealing, by position or by origin (white bone, elders, small children). They usually sympathize with the old persons and small children and spare them, but if they are bound up and beaten, they cannot complain to the bii because of blows which led to illnesse Women who are caught stealing are not bound or beaten. [685]

What we have called private corporal punishment can be called taking the law into one's own hands, when it is particularly cruel. This last concept does not exist among the Kazakhs or the Kirgiz. There are cases in which they cut off the nose or kill a person caught in adultery.(1) It is said that at one time, the murderer of the adulterer 681 627 684

681 1. Among the Alagirtsy and Farsalag of the Vladikavkaz okrug, if a wife is caught with a lover, her husband cuts off her nose. Among the Kurtat and Tagaur peoples, the husband kills the adulterer who is caught (Adaty Kavkazskikh Gortsev /Customary Laws of the Caucasian Mountaineers/, Pt. II, pp. 41-44).

and his own wife did not pay wergeld, while the murderer only of the former did pay wergeld. Taking the law into one's own hands exists even now. According to Lt. Colonel Pankratov, there was such a case during his service in the Chimkent uyezd. They placed a thief who was bound, on burning coals, and he was roasted there until the cords were burned through. A. E. Aleksandrov reports from the Kazalinsk uyezd that an outlaw is bound with a lasso to the tail of a horse or a camel.

According to bii Sultan Kanaev, before the coming of the Russians, they exacted a punishment 80 to 90 blows of the lash (durra) for adultery of a bachelor with the wife of another, and if he died under them, wergeld was not demanded. But if he was married, both he and the other's wife were killed, or else they threw the latter into a sack with /246/ a cover, or thrashed her in the sack with their feet. If she did not die after that, she was freed.

681 Mutilation by court order and execution were practised only by the Kokandians. They were subjected to being torn apart by horses, being hung from a gallows, (1) being stoned to death (sarsan, in place of the Persian sen sar)

688 1. The informant had not heard of hanging two men from both sides of a camel, as it is stated in Makovetskii, I, p. 69.

of the Persian sengsar) - this last for incest and renouncing their religion(2)-

2. According to Staff Captain Grombchevskii, among the Kashgar Kirgiz the following types of tortures and lynchings exist: 1) they tie a cord around the head around the forehead, which they begin to tighten; 2) they bind the arms behind the back, and by twisting the rope draw the elbows and the shoulder bones together; 3) they throw the bound thief in front of the entrance to a sheep pen and let the sheep walk over him. The victim of this faints from pain.

and to being impaled on a stake (khada). (3)

793

tions (kudai or khuday yolyna) in small livestock, on various occasions, and 3) in the five kopek collection made from each person when the parishioners come to the breaking of the fast (urazany bittir), the day before the holiday, or on the very day - not later. The imam buys an animal on account of this collection in order to ragale everyone (kudai).

The muezzin (sufi) is usually a literate Kazakh /251/ in the service of an imam. The parishioners pay him nothing.

796

The Kazakhs had no local or general annual holidays. Now they celebrate both annual Moslem holidays, Uraza-Bairam and Kurban-Bairam, on which they arrange races and kukbure.

871

There are very many schools (mekteb) in the steppe. In every Kirgiz volost of the Auliye-Ata uyezd there are from one to four schools maintained by wealthy people.

875

They read the same books as the Sarts. The schools are in buildings or in tents. The owner of the latter invites a teacher (molda damulla) for his children for a year from the Kazakhs. He gives him a horse, a long coat, etc. The neighbors send their children to this mullah for the payment of one tillia per year.

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875

The clergy and the teachers, if they are not Sarts, are tried by biis. Bothering them with the oath for outsiders is avoided.

They are not rejected for bad behavior which is known by rumor. For being convicted in court they forfeit trust or their places.

Casting lots.

627

When a dispute arises in the division of land or meat over the inequality of the parts, they "throw dice" (chub tastaydy). Each of the participants in this division lays a twig, which he has separated from others by cutting it off, into the skull cap of an outside disinterested person, who turns around so as not to see which twig belongs to which person. Then this person takes out the twigs and lays them on the corresponding sides. It is not customary to declare the lots invalid (chubti buzbaydy).

/252/ Wagers

526

The Kazakhs lay a wager (chirt, sert) as to which of two persons is right, or else on the accomplishment of something, for example, not sleeping for a certain number of days, etc. In a combat or in a competition of two singers the observers, divided into two parties, sometimes lay a wager on the victory of one singer or the other. The

[315 cont.]

181 often as its own expense, and has used
152 every means of persuasion to induce
[636 certain individuals among them to settle
342] down, at least to provide an example.
But all these efforts have been futile.

[579 their tents to live in houses. Next let us examine the ethical rela-
627] tions of the tribes and descent lines. Vengeance carried out by
628 one individual against another, the participation of their families
578 in it, their auls, their /clan/ divisions, and sometimes their tribes,
and the perpetual reprisals which result from this, sometimes re-
[166] quire hundreds of families to move away from their dwelling
places and to withdraw much farther away, forever, in order to
evade the persecutions of their enemies.

721 It is thus that the entire Karakalpak nation, which had lived
independently under the orders of its own khans on the [316] shores
of the Syr [Darya], lost its existence as a state in the last years
of the 18th century and was forced to disperse as a consequence of
the frequent attacks of the Kazaks and the acts of vengeance that
they carried out to wipe away old injuries.

101 In 1740 a large part of the Middle Horde, with its khan,
Abul Mahmet, occupied the eastern shores of the Khobda River.
Abulkhair lived most often on the shores of the Syr [Darya] or the
Kuvan. This is why he wrote to Nepluev in Orenburg in 1742:
166 "I am with the Little Horde on the Syr [Darya], and the Middle
Horde is near you, General." Today it is the opposite. None of
the tribes of the Middle Horde are near Orenburg. Several of the
auls of the Alimuly descent line in 1821 even came to make their
winter camps on the banks of the Ilek, although they had always
578 had them on the Syr [Darya], as a result of internal dissensions,
during which their enemies were supported by the khan of Khiva.
At the same time several auls which habitually camped near the
361 Russian border withdrew toward the land of Khiva. All this leads
181 us to the conclusion that the present way of life of the Kazaks and
636 the nature of the land they inhabit do not permit them to form
177 permanent establishments, and that for their own advantage as